

Recent Tank Programs Division Developments

October 2006

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Web site: www.azdeq.gov/environ/ust/index.html

ADEQ is Promoting Cleanup and Closure of LUST Sites

There are still approximately 800 open leaking underground storage tank (LUST) facilities with varying levels of petroleum contamination that affect soil, groundwater, or both. As you probably know by now, Senate Bill 1306, which became effective in August 2004, mandated that ADEQ can no longer accept UST State Assurance Fund (SAF) applications after June 30, 2010. Consequently, if you have one or more LUST sites and want to get reimbursed for eligible corrective actions, it is in your best interest to complete corrective actions before that date. So, what can you do?

First, determine the current status of the LUST case. What corrective actions still need to be accomplished – Site characterization? Cleanup? Cleanup confirmation? If you don't know, you may want to review the LUST file or contact one of the UST technical staff. Next, finish the current phase of corrective action. ADEQ will review all resulting work plans, site characterization reports, corrective action plans, or closure requests as soon as possible. If active remediation is required, it is critical to begin as soon as possible because some LUST site cleanups may require years to accomplish.

OUTREACH Underground Storage Tank Program Conference coming October 17, 2006

You may pre-register for the conference
by calling (602) 771-4262 or
(800) 234-5677 or on online at
[http://www.azdeq.gov/environ/ust/
outreach/seminar.html](http://www.azdeq.gov/environ/ust/outreach/seminar.html).

To assist you in expediting corrective actions, the Corrective Action Section (CAS) has assigned certain high priority LUST sites to specific case managers in order to provide regulatory oversight from investigation through LUST case closure. For unassigned LUST sites, other CAS staff are responsible for reviewing submitted technical reports in a timely manner. In addition, ADEQ offers a Hotline number (602) 771-4303 for assistance with non-site specific technical questions. The CAS staff are also available for facility meetings and site visits to discuss site specific technical issues.

If you have questions or want more information, please call Joe Drosendahl at (602) 771-4845, or at (800) 234-5677 Ext. 771-4845, or by e-mail at jkd@azdeq.gov.

Communication By and With ADEQ

It is ADEQ's intent to continue to improve the communication between the Department and UST stakeholders in ways that will decrease report deficiencies, decrease appeals and expedite corrective actions in order to assist UST owners, operators and volunteers obtain LUST case closure. Mis-understandings can cause unnecessary appeals, delays in performing corrective actions, and reduction of State Assurance Fund (SAF) reimbursement of costs. Therefore, letters and reports written both by ADEQ staff and the regulated community should:

- be written using language that is clear so that mis-understandings don't occur,
- be concise so that the amount of resources needed to create or review the document is minimized, and
- be complete and contain all the information that is required to be included or necessary to eliminate the need of deficiency letters, additional requests, additional questions, or appeals.

Appropriate LUST Site Investigation Analyses

When investigating a UST release, it is important to identify the presence, extent and magnitude of all potential chemicals of concern. Therefore, the UST Program requires that, when investigating a UST release, the vertical extent soil boring samples and the initial groundwater samples (if applicable) be analyzed with all of the appropriate analytical methods. These include EPA Methods 8260B for VOCs and 8310 for PAHs, and 504.1, 524.1, 524.2, or 502.2, as appropriate for EDB. Once all of the potential chemicals of concern have been investigated, then future analyses may be limited to only those chemicals of concern that have been identified. The initial analyses may also assist if a risk assessment is performed in the future.

Spill Buckets Need to be Checked Frequently

During the course of recent facility inspections, UST inspectors have been finding many spill buckets that are cracked or broken. Plastic spill buckets made of high density polyethylene may degrade from long-term contact with petroleum. Metallic spill buckets are subject to corrosion or rust.

In order to extend the life of a spill bucket, UST owners and operators should:

- 1) check spill buckets after every delivery to ensure that any residual fuel is removed immediately;
- 2) check clamps and seals regularly, and tighten, adjust or replace as needed;
- 3) replace cracked or broken spill bucket lids immediately; and
- 4) be prepared to replace spill buckets periodically.

Additionally, some spill buckets have a drain valve that allows you to drain accumulated liquid into your UST. Make sure the drain valve is free of debris and is operational. If the drain valve is left open, it may affect the ability of your overfill prevention device to function properly and may allow water and debris to enter your UST.

Inspecting and maintaining your spill buckets is simple and can prevent or minimize releases. If you have questions or want more information, please call Nick Velasquez at (602) 771-4315, or at (800) 234-5677 Ext. 771-4315, or by e-mail at nlv@azdeq.gov.

Still Getting Our "Kicks" on Route 66

Since we started the Route 66 Initiative two years ago, aimed at expediting LUST case closures and orphan UST identification and removal, a great deal of progress has been made. ADEQ has dedicated four case managers to work closely with owners, operators and volunteers with open LUST sites along historic Route 66. Along this historic route, approximately 350 sites had reported releases. Of these, 77 remain open with corrective actions incomplete; 22 fewer than one year ago. In addition, ADEQ has removed orphan tanks at 35 sites along Route 66 under the

Municipal Tank Closure Program during the past 2 years, mostly in the Holbrook-Winslow area.

Two of the four case managers are dedicated to overseeing cleanups in the Holbrook - Winslow area, where the initiative began, and most of the remaining open LUSTs (47) are located along this portion of the historic highway corridor. Determining the most effective remedial technologies in this area has been challenging due to unique hydrogeologic conditions, including a predominance of clayey soils and a shallow groundwater table. Since the initiative began, 15 corrective action plans (CAPs) or remediation work plans have been approved. And, remediation at six (6) sites is being performed by contractors directed by our State Lead Unit (SLU). And this year, the U.S. Environmental Protection Agency (EPA) teamed up with ADEQ and communities in the Holbrook -Winslow area to launch the Route 66 Partnership with those communities to explore cleanup and redevelopment opportunities. A report was published based on the results of meetings held during January 2006, which can be found on the EPA Web site at:

<http://www.epa.gov/region9/waste/brown/66/index.html>.

For more details or information, including general progress, site status, maps and photographs, please visit the ADEQ Route 66 Initiative Web site at:

<http://www.azdeq.gov/environ/ust/66/index.html>.

The SAF is No Longer a Financial Responsibility (FR) Mechanism

Since the State Assurance Fund (SAF) cannot be accessed for any release reported after June 30, 2006, this also means that the SAF cannot be used for compliance with any state or federal financial responsibility (FR) requirements.

Most UST owners and operators must have a FR mechanism to pay for the costs of corrective actions or third-party liability claims associated with releases of petroleum from their UST systems. Among the many FR mechanisms allowed, UST pollution liability insurance is the most commonly selected option. UST owners and operators may want to contact their insurance agent or broker to evaluate coverages and costs.

Since all FR documentation must be kept up to date and on file with the department, ADEQ routinely reviews the FR status of all UST owners and operators. If the documentation is absent or out of date, ADEQ will contact the owner and request submittal of that documentation. Additionally, ADEQ checks for compliance with FR requirements during the course of UST facility inspections. Non-compliance at the time of inspection may result in a Notice of Opportunity to Correct or a Notice of Violation.

If you have questions or want more information, please call ADEQ's UST Financial Responsibility Coordinator, Maria Rodriguez, at (602) 771-2214, or at (800) 234-5677 (Ext. 771-2214), or by email at mmr@azdeq.gov. You may also find more information on ADEQ's Web site at: www.azdeq.gov/environ/ust/fr.html.

Important Dates for the State Assurance Fund

During the 2004 legislative session, the Governor signed into law Senate Bill (SB) 1306. This bill includes some significant reform to the State Assurance Fund (SAF) that may impact many of our customers. Some of these changes have occurred recently and others will be happening in the future:

June 30, 2006

- ▶ Only releases from USTs that are reported on or before this date are eligible for SAF coverage. For all releases reported after this date, UST owners and operators will be responsible for all costs of corrective actions.

June 30, 2009

- ▶ All SAF preapproval applications must be submitted to ADEQ no later than this date.

June 30, 2010

- ▶ All other SAF applications (reimbursement and direct payment) must be submitted to ADEQ no later than this date. No SAF application will be accepted by ADEQ after this date.

If you have questions about SB 1306 and the SAF changes coming soon, please contact: Tara Rosie via e-mail: rosie.tara@azdeq.gov or (602) 771-4725, or you may call our toll free number: (800) 234-5677, Ext. 771-4725.

When to Submit a New UST Notification Form

All UST owners and operators are required to register their regulated USTs with ADEQ. Additionally, ADEQ needs to be notified if the information specific to those UST systems changes. The mechanism for doing this is the "Notification for Underground Storage Tanks Form", or simply the Notification Form. The Notification Form provides facts about the owner, operator, tanks, piping, products stored, types of release detection methods used, and other important information.

ADEQ relies on all Notification Form data to track UST-specific changes or upgrades of the UST system, track changes in ownership, or to make the information available to the regulated community or the public in general. Therefore, it is important that ADEQ be provided with an updated Notification Form whenever the UST-specific information changes. Examples of changes that require submittal of a new or revised Notification Form to ADEQ include:

- Installation of a new UST system
- permanent or temporary closure of a UST system
- Change of UST owner or operator
- Change of the UST owner's or operator's contact information
- Sale or transfer of the USTs
- Changes in the UST system (e.g. product stored, release detection method, etc.).

The Notification Form and corresponding guidance for filling it out can be found on ADEQ's Website at: <http://www.azdeq.gov/function/forms/appstanks.html>.

If you have questions or want more information, please call Amy Aeed at (602) 771-4316, or at (800) 234-5677 Ext. 771-4316, or by e-mail at ava@azdeq.gov.

Why You Might be Interested in the Federal Energy Policy Act

President Bush signed the Energy Policy Act of 2005 into law on August 8, 2005. Contained within the Energy Policy Act is the UST Compliance Act (Act) that focuses primarily on preventing UST releases. The Act brings changes not only to federal and state UST regulatory programs, but it also affects UST owners and operators.

U.S. EPA is the lead agency on implementation and has published or will publish guidelines for the main requirements of the Act:

Inspections: The Act requires that ADEQ inspect all 2,600 currently registered UST facilities at least once every three years. The first three-year inspection cycle is to be completed by August 8, 2010. Although ADEQ currently inspects each UST facility about once every four years, ADEQ is moving to comply with this requirement.

Operator Training: Training will be required for three distinct classes of UST operators (person with primary responsibility for on-site O&M of USTs; person with daily responsibility for on-site O&M of USTs; and person with responsibility on-site for addressing emergencies). Although U.S. EPA has not yet published guidelines, once they do, ADEQ will then have up to two years to develop training requirements.

Fuel Delivery Prohibition: The Act and current U.S. EPA guidelines direct states to prohibit product delivery to any UST that does not have basic release detection, corrosion protection, spill prevention, or overfill protection equipment. Although ADEQ has some discretion on application of this prohibition, primarily in rural and remote areas, the Act requires implementation by August 8, 2007.

Groundwater Protection: One of two options is to be implemented by February 8, 2007: either secondary containment and interstitial monitoring of new or replaced UST systems that occur within 1,000 feet of a drinking water well or water supply system; or certification of UST installers and mandatory financial responsibility for UST manufacturers and installers to pay for the costs of corrective actions related to UST releases.

If you have questions or want more information, please call Ronald Kern at (602) 771-4242, or at (800) 234-5677 Ext. 771-

4242, or by e-mail at rak@azdeq.gov. You may also find more information on the requirements and their implementation dates on ADEQ's Web site at:

<http://www.azdeq.gov/environ/ust/saf/download/0602.pdf>.

U.S. EPA's guidelines for implementing the Act can be accessed on their Web site at:

http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts.

County and Municipal Tank Closure Program Update

The County and Municipal Tank Closure Program (CMTCP) provides small cities, towns and counties funding to remove orphaned underground storage tanks that were used to store fuel or other regulated substances.

To date, ADEQ has received a total of 69 applications from 28 cities, towns and counties, and has removed over 100 orphaned USTs from 56 sites.

If you own a property with orphaned USTs in a small city, town or unincorporated area of a county, and wish to have those USTs removed, contact your city manager, mayor, or county representative to participate in the program. Once ADEQ approves an application, ADEQ will have the USTs removed.

For more information about the CMTCP or to get a copy of the CMTCP application, please contact Michael Latin at (602) 771-4308 or toll free at (800) 234-5677, Ext. 771-4308 or via email at mrl@azdeq.gov.

ADEQ Proposing New Rules for NFA and MNA

ADEQ is considering rules:

- 1) for issuance of no further action (NFA) letters for leaking underground storage tank (LUST) sites, once the contaminant source has been removed and a corrective action plan or state assurance fund work plan has been approved that includes monitored natural attenuation (MNA);
- 2) allowing ADEQ to close certain groundwater LUST cases where there is an exceedance of the aquifer water quality standards; and
- 3) to implement the MNA account to be used by ADEQ to continue to monitor LUST sites that have been issued an NFA letter and to perform additional corrective actions if necessary. ADEQ expects that the rule docket opening will be published September 29, 2006. For additional information, contact Philip McNeely, Tank Programs Division Director, at (602) 771-7645, or via email at mcneely.philip@azdeq.gov.

SEND US YOUR E-MAIL

The USTNews newsletter and other correspondence can be delivered to you by e-mail.

If you would like to be on the e-mail list, please provide your e-mail address at: <http://www.azdeq.gov/environ/ust/out-reach/index.html> or via e-mail at: cm5@azdeq.gov.

You may also contact Cynthia Miller at (602) 771-4321 or (800) 234-5677 Ext. 771-4321 or via e-mail at: cm5@azdeq.gov.